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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/917,719

07/31/2001

Aviad Zlotnick

ZLOTNICK=3

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08/12/2004

BROWDY AND NEIMARK, P.L.L.C.

624 NINTH STREET, NW

SUITE 300

WASHINGTON, DC 20001-5303

EXAMINER

CHANG, JON CARLTON

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 08/12/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,719

Applicant(s)

ZLOTNICK, AVIAD

Examiner

Jon Chang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/01</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 112

1. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 is drawn to "a product according to claim 17." This lacks proper antecedent basis because claim 17 does not recite a product. Claim 27 may have been intended to depend from claim 26.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8-10, 17-19, 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0188602 to Stubler et al. (hereinafter "Stubler").

As to claim 1, Stubler discloses a method for data entry, comprising:
receiving a plurality of images (Fig.3, blocks 200-204);

sorting the images into an order responsive to a measure of similarity between the images, so as to group similar images together in the order (paragraphs [0010] and [0031]);

presenting to an operator a first image among the images in the order, and receiving an input from the operator specifying a code to be assigned to the first image (paragraph [0011]; paragraph [0029], first two lines of page 4);

presenting to the operator a second image, subsequent to the first image among the images in the order, along with the code specified by the operator for assignment to the first image (paragraphs [0036] and [0037]; note single image verification can be performed); and

assigning the code to the second image responsive to a single input action by the operator, indicating that the second image is to be assigned the same code as the first image (paragraphs [0036] and [0037]).

With regard to claim 8, Stubler discloses a method according to claim 1, wherein receiving the input from the operator specifying the code to be assigned to the first image comprises receiving a first input specifying a first code, and comprising, when the second image is not to be assigned the same code as the first image, receiving a second input from the operator specifying a second code to be assigned to the second image (paragraphs [0037] and [0041]).

Regarding claim 9, Stubler discloses a method according to claim 8, and comprising presenting to the operator a third image, subsequent to the second image among the images in the order, along with the second code specified by the operator,

and assigning the second code to the third image responsive to the single input action by the operator (paragraph [0041], a change in the label would be effective for the rest of the group).

With regard to claim 10, the discussion applied above to claim 1 is applicable. Stubler discloses an apparatus comprising a memory, display, user input device and image processor, in the form of a computer (paragraphs [0023] and [0024]).

With regard to claims 17 and 18, the discussions applied above for claims 8 and 9 are applicable.

Regarding claim 19, the discussion applied above to claim 1 is applicable. In the computer system (paragraphs [0023] and [0024]), the computer software program is inherent.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stubler.

Regarding claim 7, Stubler does not disclose that the single input action comprises a single keystroke on a keyboard. However, Stubler does disclose a

keyboard as an input device (paragraph [0025]). The Examiner takes Official Notice that single input actions comprising a single keystroke on a keyboard are well known (e.g., when a user is prompted to type a "Y" for a positive indication or an "N" for a negative). It would have been obvious to one of ordinary skill in the art to modify Stubler to utilize a single keystroke because of its ease of use.

As to claims 16 and 25, the remarks provided above for claim 7 are applicable.

6. Claims 2-6, 11-15 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Stubler and U.S. Patent 5,455,875 to Chevion et al. (hereinafter "Chevion").

As to claim 2 Stubler does not disclose that the plurality of the images comprise entries in fields in one or more form documents. However, this is well known in the art. For example, Chevion discloses utilizes entries in fields in one or more form documents as images (column 4, lines 28-33, 40-43). Modifying Stubler's invention to utilize entries in fields in form documents would allow more efficient labeling of form documents. Therefore, it would have been obvious to one of ordinary skill in the art to modify Stubler's invention according to Chevion.

Regarding claim 3, Chevion further discloses that the one or more documents comprise multiple fields, and wherein receiving the plurality of the images comprises extracting the entries from a selected one of the fields in the documents (column 4, lines 40-43).

Regarding claim 4, Stubler does not disclose that the images comprise alphanumeric characters, and wherein the code comprises alphanumeric codes input by the operator corresponding to the alphanumeric characters appearing in the first image. However, this is well known in the art as evidenced by Chevion (column 4, lines 40-52 and 58-59). Modifying Stubler's invention such that the images comprise alphanumeric characters and that the code comprises alphanumeric codes input by the operator corresponding to the alphanumeric characters in the image would simplify labeling for the user. Therefore, it would have been obvious to one of ordinary skill in the art to modify Stubler's invention according to Chevion.

With regard to claim 5, in combining Stubler and Chevion, it would have been further obvious to one of ordinary skill in the art to sort the images by applying optical character recognition (OCR) to the images so as to associate OCR codes with the characters, and grouping the images according to the OCR codes, since Stubler's invention sorts the images according to image content, and the OCR would relate directly to image content in the combination.

With regard to claim 6, in combining Stubler and Chevion, it would have been further obvious to one of ordinary skill in the art group the images by finding at least an approximate match between a first string of the OCR codes associated with the characters in the first image and a second string of the OCR codes associated with the characters in the second image, since Stubler's invention groups the images based on similarity of image content, and the OCR codes would relate directly to image content in the combination.

Regarding claims 11-15 and 20-24, the remarks provided above for claims 2-6 are applicable.

References Cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,009,442 to Chen et al. discloses a computer-based document management system which performs automatic categorizing and indexing.

U.S. patent 6,243,724 to Mander et al. discloses a method and apparatus for organizing information in a computer system which sorts documents into groups based on similarity.

U.S. Patent 6,512,850 to Yaung discloses a method and apparatus for identifying subsets of interrelated image objects from a set of image objects which groups image objects into clusters based on image objects having similarity values meeting threshold criteria.

U.S. Patent 6,538,698 to Anderson discloses a method and system for sorting image in an image capture unit utilizes image tags which correspond to captured image data. Tags include labels specified by a user. Images are sorted into categories based on criteria for the tags. The first image of each category is displayed to the user.

U.S. Patent 6,654,739 to Apte et al. discloses a procedure for lightweight document clustering.


The article, "Automatic Indexing and Content-Based Retrieval of Captioned Photographs" teaches automatic indexing of captioned images for retrieval.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon Chang whose telephone number is (703)305-8439. The examiner can normally be reached on M-F 8:00 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jon Chang
Primary Examiner
Art Unit 2623

Jon Chang
August 9, 2004